

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD AND DEBORAH KEAL,

Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

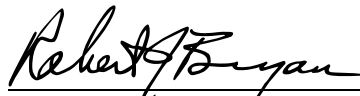
Case No. C05-5737RJB

ORDER ADOPTING THE REPORT
AND RECOMMENDATION AND
GRANTING IN PART AND
DENYING IN PART DEFENDANT
MALLOQUE'S MOTION FOR
JUDGMENT OF DISMISSAL ON
THE PLEADINGS

The court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold (Dkt. 163-1) and the file herein, does hereby find and **ORDER**:

- (1) The court adopts the Report and Recommendation (Dkt. 163-1).
- (2) Defendant Malloque's Motion for Judgment of Dismissal on the Pleadings (Dkt. 139) is **GRANTED IN PART** and **DENIED IN PART** as follows:
- (3) Plaintiff Deborah Keal has failed to state a cause of action against defendant Malloque. The motion is therefore **GRANTED** as to Ms. Keal, and her claims against defendant Malloque are **DISMISSED**.
- (4) Plaintiff Ronald Keal has sufficiently alleged exhaustion of administrative remedies and personal participation by defendant Malloque to withstand the motion for judgment on the pleadings. The motion is therefore **DENIED** as to Mr. Keal.
- (5) The Clerk is directed to send copies of this Order to plaintiffs, counsel for any defendants who have appeared, and to the Hon. J. Kelley Arnold.

DATED this 26th day of September, 2006.


Robert J. Bryan
United States District Judge